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**From:** Allison Castellan - NOAA Federal  
**To:** Waye, Don  
**Sent:** 1/23/2015 2:32:25 PM  
**Subject:** Re: Final Steps for the FRN?

I haven't seen that yet. Will sent a minor change as well I'll forward along.

On Fri, Jan 23, 2015 at 2:11 PM, Waye, Don <[Waye.Don@epa.gov](mailto:Waye.Don@epa.gov)> wrote:

Nice job on the communications rollout call today. Out of curiosity, can you forward me Christine's email about what Dennis wants changed in the FRN? Thanks.

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]  
**Sent:** Friday, January 23, 2015 12:19 PM  
**To:** Waye, Don  
**Subject:** Re: Final Steps for the FRN?

I can do that. I'll wait until I hear from Will and Dennis before making more traffic. The way the page break works for the signature block, it will be pretty easy for us to fiddle with a work here or there in the doc even after Dennis signs, if needed.

On Fri, Jan 23, 2015 at 12:12 PM, Waye, Don <[Waye.Don@epa.gov](mailto:Waye.Don@epa.gov)> wrote:

Great! You saw my email to Steve about

**Ex. 5 - Attorney Client**

I'm thinking if it's not too late, we should make that change in the first sentences of the Summary and the Supplemental Info sections. We can always wait until we see what other changes Will & Dennis might want us to make.

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]  
**Sent:** Friday, January 23, 2015 11:49 AM  
**To:** Waye, Don  
**Subject:** Re: Final Steps for the FRN?

Christine already called me (I think when you were trying to reach me).

1. Yep. Sent off to Will to look over today. Will let others know if he wants any tweaks.
2. Advised Christine to print single sided.
3. Removing "zone" is correct. It's the National Coastal ZONE Management Program but we generically refer to the state programs as coastal management programs.

On Fri, Jan 23, 2015 at 11:45 AM, Waye, Don <[Waye.Don@epa.gov](mailto:Waye.Don@epa.gov)> wrote:

Allison,

I just left you a too-long voice message. Concerning the FRN...

- 1) I just heard from Lynda Hall and Christine that both Dennis & Will Stelle intend to perform a close review of the FRN language before Dennis signs it, so it may not happen by today.
- 2) Does it matter if the 3 originals are printed on 1 side vs. 2 sides? I think we've done single-sided in the past but since you didn't mention it, maybe it doesn't matter. (EPA configures all its printers to print double-sided as the default mode—because we're EPA. But this default mode can be overridden.)
- 3) I noticed the word "zone" taken out of the 2<sup>nd</sup> sentence in the Summary section, which surprised me. Have we been doing this wrong for all the other FRNs or was this mistakenly removed in the version you just sent around? Perhaps it doesn't matter, but I wanted to ask. ("CZARA directs states and territories with coastal ~~zone~~ management programs previously approved under Section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint pollution control programs which must be submitted to NOAA and EPA for approval.")
- 4) Finally, if R10 does manage to get Dennis' signatures today, is this the right address for FedEx?

Allison Castellan, Stewardship Division, (N/OCM6)

Office for Coastal Management, NOS, NOAA

1305 East-West Highway

Silver Spring, MD, 20910

Thanks.

Don

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]

**Sent:** Friday, January 23, 2015 10:06 AM

**To:** Waye, Don

**Cc:** Psyk, Christine; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** FINAL FINAL version of FRN

Christine, et. al.--

See attached for the final clean version of the FRN for Dennis' signature. **Please make sure Dennis signs THREE ORIGINAL COPIES.**

I'll begin the circulation process on my end as well but will place a hold so that Russell will not sign until we receive the signed FRN's from Dennis.

Allison

On Thu, Jan 22, 2015 at 5:49 PM, Allison Castellan - NOAA Federal <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)> wrote:

Thank you very much Don. This looks very good. I'll look into the docket language tomorrow but if it's the same as it was last time, I don't think it would be an issue.

The only other edits I have is inserting "Fully" before "Approveable" into the heading and action to address Steve's earlier comment that we have already "approved" Oregon's program...we just haven't fully approved it. I also inserted Lynda's missing "s" and made one other small edit to my address to reflect the new routing code for my office.

On Thu, Jan 22, 2015 at 5:05 PM, Waye, Don <[Waye.Don@epa.gov](mailto:Waye.Don@epa.gov)> wrote:

Allison,

I think we have a final version of the FRN, and it is 100% clean. See attached. I tried to honor all the discussion and decisions on this document to date.

**Ex. 5 - Attorney Client**

**Ex. 5 - Attorney Client**

and Christine's desire that it be no more bureaucratic than required.

One note: it does not quite follow EPA's template for the docket language, but since the docket will reside at NOAA, can you please check to ensure that it follows NOAA format? (Is it helpful to know that it is consistent with the format we followed in December 2013, where NOAA also controlled the docket?)

Let me know what you think.

Don

**From:** Allison Castellan - NOAA Federal [mailto:[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)]

**Sent:** Thursday, January 22, 2015 2:25 PM

**To:** Psyk, Christine

**Cc:** Waye, Don; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** Re: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the

decision itself.

Don, if you could do the honors, that would be much appreciated as I'm finalizing the RtC, decision doc, and rollout plan.

On Thu, Jan 22, 2015 at 2:21 PM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

Don and Allison, I don't have an opinion on some of these comments. I'm also not an expert on FRN. My focus has been on tone and language and I didn't want the FRN to sound too bureaucratic and inside baseball. So, at this point, I don't have anything to add and I don't know what to change. Hence, I would like you and Allison to finalize the content and share a clean version of FRN with us. Can you guys do that? Thanks.

Christine Psyk, Associate Director

EPA Region 10, OWW

[206-553-1906](tel:206-553-1906)

[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

**From:** Waye, Don

**Sent:** Thursday, January 22, 2015 11:09 AM

**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Psyk, Christine

**Cc:** Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

All,

## Ex. 5 - Attorney Client

### Ex. 5 - Attorney Client

Additionally, I thought we agreed to remove references to OSDs & New Dvpt. The docket that we are noticing the availability of makes no mention of these 2 MMs, so it is not appropriate to mention them in this notice of availability.

See attached. I have also attached the template that our Water Policy Office shared with me this morning for properly laying out the FRN. **Ex. 5 - Attorney Client** It also requires very specific language about the docket. However, we should defer to NOAA's template for describing the

## Ex. 5 - Attorney Client

Thanks.

Don Waye  
U.S. EPA - Nonpoint Source Control Branch  
Phone: 202-566-1170

**From:** Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]  
**Sent:** Thursday, January 22, 2015 10:11 AM  
**To:** Psyk, Christine  
**Cc:** Waye, Don; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer  
**Subject:** Re: Status of Cover Letter and FRN

With the FRN containing my edit attached this time.

On Thu, Jan 22, 2015 at 10:10 AM, Allison Castellan - NOAA Federal <[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)> wrote:

I just have one small change to the FRN to fix an incorrect reference to forestry conditions (remember, OR was never conditioned on the forestry MMs, only on the need for additional MMs for forestry).

I think Joelle's edits to the cover letter look fine. However, in response to her comment that we haven't told the state that interim decisions are not final until public has commented, we have said this many times to the state in prior correspondence. The cover letter to every previous interim decision doc we sent gave them notice of this.

On Wed, Jan 21, 2015 at 5:34 PM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

After the back and forth, I will take the lead on finalizing the cover letter and the FRN. I've exchanged emails with Lynda and am fine with asking Dennis to sign the FRN rather than Ken. As an FYI, I am going to share the current draft, near final copies of both the cover letter and the FRN with Dennis and Will to check with them whether they are comfortable with tone and content given their communications with the State. I would like to finalize these two documents by the end of this week.

Thank you for all your help and good work. I can see the light at the end of the tunnel; we're getting there.

Christine Psyk, Associate Director

EPA Region 10, OWW

206-553-1906

Psyk.christine@epa.gov

**From:** Waye, Don

**Sent:** Wednesday, January 21, 2015 10:58 AM

**To:** Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen

**Cc:** Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Croxton, Dave; Wu, Jennifer

**Subject:** RE: Leads for Various Documents

I respectfully decline. It's in good hands with Christine.

(I was just serving as caretaker of the FRN process while Jayne was out 2 weeks ago anyway.)

I told Jayne I would oversee finalizing the interim decision document and transmittal letter for New Dvpt & OSDS.

**From:** Byrne, Jennifer

**Sent:** Wednesday, January 21, 2015 1:51 PM

**To:** Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen

**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Croxton, Dave; Wu, Jennifer

**Subject:** Re: Leads for Various Documents

I think we should switch back to Don. He was lead for FRN; it's just that on the manager's call last week, when I said I would be sending my comments in, a few folks asked me to make some changes and send it around. Let's get it back in Don's hands.

JB

Jennifer Byrne

Office of Regional Counsel, EPA Region 10

206-553-0050 [byrne.jennifer@epa.gov](mailto:byrne.jennifer@epa.gov)

**From:** Carlin, Jayne  
**Sent:** Wednesday, January 21, 2015 10:29 AM  
**To:** Hall, Lynda; Psyk, Christine; Sweeney, Stephen  
**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Croxton, Dave; Wu, Jennifer  
**Subject:** Leads for Various Documents

Hi All,

I implied leads when sending out the action items yesterday (see below).

Decision Document and Response to Comments Document:	Allison
Communications Roll Out Strategy:	Allison
Cover Letter:	Christine
Federal Register Notice:	JB (although maybe we should switch the lead to Don)
Tribal Letter	Jayne

#### OR CZARA Action Items

- Legal and managerial final review of decision document (without list of acronyms) and response to comments document: due by January 20. See Allison's email dated 1/15 on RtC. **Comments due to Allison on both documents by 1/20.**
- Allison will update the communications roll out strategy, including Qs and As by the end of this week. She will include contacts for Department of Forestry, Board of Forestry. (Completed see Allison's email dated 1/15) **Comments due to Allison by COB 1/21/15**
- Jayne will set up weekly managerial/legal meetings throughout February (Completed).
- Christine will send out revised cover letter by 1/15. (Completed). **Incorporated comments and sent out revised letter on 1/20. Send fatal flaw comments to Christine by COB 1/21/15.**
- JB will send out Federal Register Notice by COB on 1/14 (Completed). **Review Don's Email dated 1/20/15 for final draft and questions. Send all changes by COB on 1/21/15 to Jennifer Byrne with cc to all.** Will discuss any remaining revisions and signatory issue/process on during the manager's meeting on Thursday.
- Jayne will draft letter to tribes for technical/legal and managerial review. (Completed.) **See Jayne's email on 1/15 and Allison's email dated 1/16 with her comments. Comments due to Jayne by COB on 1/21/15.**

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512  
[carlin.jayne@epa.gov](mailto:carlin.jayne@epa.gov)

[www.epa.gov/r10earth/tmdl.htm](http://www.epa.gov/r10earth/tmdl.htm)

[yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS](http://yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS)

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**From:** Hall, Lynda  
**Sent:** Wednesday, January 21, 2015 10:22 AM  
**To:** Psyk, Christine; Sweeney, Stephen  
**Cc:** Waye, Don; Joelle Gore - NOAA Federal; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wu, Jennifer  
**Subject:** RE: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

Sent from my Windows Phone

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**From:** [Psyk, Christine](#)  
**Sent:** 1/21/2015 1:19 PM  
**To:** [Sweeney, Stephen](#)  
**Cc:** [Waye, Don](#); Joelle Gore - NOAA Federal; [Hall, Lynda](#); [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); [Byrne, Jennifer](#); [Carlin, Jayne](#); [Croxton, Dave](#); [Wu, Jennifer](#); [Henning, Alan](#); [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)  
**Subject:** Re: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

I agree that we've lost version control. We need to assign leads for the final versions for all the documents: FRN, letter (me), decision document, Rtc. Need to nail this down.

Christine

Sent from my iPhone

On Jan 21, 2015, at 10:12 AM, Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)> wrote:

Don,

# Ex. 5 - Attorney Client



Thanks,

Steve

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**From:** Waye, Don

**Sent:** Wednesday, January 21, 2015 1:08 PM

**To:** Sweeney, Stephen; Joelle Gore - NOAA Federal; Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wu, Jennifer; Henning, Alan; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** RE: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

All,

This latest round of comments gets us closer to a great final product and is appreciated. However, there has been a failure of version control, as the version I sent out yesterday (which was to implement Steve Sweeney's recommendations from yesterday) have been ignored.

# Ex. 5 - Attorney Client

Thanks.

Don

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**From:** Sweeney, Stephen

**Sent:** Wednesday, January 21, 2015 12:05 PM

**To:** Joelle Gore - NOAA Federal; Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)

**Subject:** RE: next draft of FRN

Do Not Release – Withhold under applicable FOIA exemption privileges

# Ex. 5 - Attorney Client

Steve

**From:** Joelle Gore - NOAA Federal [<mailto:joelle.gore@noaa.gov>]

**Sent:** Friday, January 16, 2015 1:45 PM

**To:** Psyk, Christine

**Cc:** Hall, Lynda; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov); Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** Re: next draft of FRN

Hi everyone,

I've added a few comments to the FRN as well.

I think this is ready for legal review -- Jeff, Steve, and JB.

I wish there was some way to make this all less confusing.

I get lost in the words and references...I can't imagine the public's read.

Alas, I don't think there is a solution...perhaps just the nature of FRNs...especially this one.

Thanks for all the work, Joelle

On Thu, Jan 15, 2015 at 11:28 AM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

I'm okay with removing it as well since the FRN will be old news and the real news will be the decision letter in which we do acknowledge the progress the state has made.

Christine Psyk, Associate Director

EPA Region 10, OWW

[206-553-1906](tel:206-553-1906)

[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

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**From:** Hall, Lynda

**Sent:** Thursday, January 15, 2015 7:00 AM

**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); Psyk, Christine

**Cc:** Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov); [joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov); Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** RE: next draft of FRN

I think that had originally been my comment. I'm OK with removing.

Sent from my Windows Phone

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**From:** Allison Castellan - NOAA Federal

**Sent:** 1/14/2015 7:18 PM

**To:** [Psyk, Christine](mailto:Psyk, Christine)

**Cc:** [Byrne, Jennifer](mailto:Byrne, Jennifer); [Carlin, Jayne](mailto:Carlin, Jayne); [Croxton, Dave](mailto:Croxton, Dave); [Hall, Lynda](mailto:Hall, Lynda); [Waye, Don](mailto:Waye, Don); [Wu, Jennifer](mailto:Wu, Jennifer); [Henning, Alan](mailto:Henning, Alan); [Sweeney, Stephen](mailto:Sweeney, Stephen); [jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov); [joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov); [Barber, Anthony](mailto:Barber, Anthony); [Melissa Rada - NOAA Affiliate](mailto:Melissa Rada - NOAA Affiliate)

**Subject:** Re: next draft of FRN

I think it looks fine except for the comments adding language about which MMs we have given interim approval to. I thought we agreed on the call today that we would only focus on forestry---the basis for the disapproval decision and that the FRN was not the place to get into the other MMs. See comment attached.

On Wed, Jan 14, 2015 at 6:35 PM, Psyk, Christine <[Psyk.Christine@epa.gov](mailto:Psyk.Christine@epa.gov)> wrote:

My comments on the FRN are added to the version Jennifer commented on. It's looking good. I am particularly sensitized to tone and sound of the message, hence, provided some wording changes to "failure to submit" language. I recommended that we use less inflammatory language such as "has not submitted an approvable program". My comments reflect those wording changes.

Christine Psyk, Associate Director

EPA Region 10, OWW

[206-553-1906](tel:206-553-1906)

[Psyk.christine@epa.gov](mailto:Psyk.christine@epa.gov)

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**From:** Byrne, Jennifer

**Sent:** Wednesday, January 14, 2015 2:19 PM

**To:** Carlin, Jayne; Croxton, Dave; Hall, Lynda; Psyk, Christine; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov); '[jeff.dillen@noaa.gov](mailto:jeff.dillen@noaa.gov)'; '[joelle.gore@noaa.gov](mailto:joelle.gore@noaa.gov)'; Barber, Anthony; Melissa Rada - NOAA Affiliate

**Subject:** next draft of FRN

Attorney-Client Privileged, Attorney Work Product, Do Not Release

Hi all,

# Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

Lynda had asked for an updated tally of the conditions that have been met. Can someone add that at or near the place where Lynda's comment is?

Please let me know if you see anything else that needs to be addressed.

Thanks,

JB

Jennifer Byrne

Office of Regional Counsel, EPA Region 10

206-553-0050, [byrne.jennifer@epa.gov](mailto:byrne.jennifer@epa.gov)

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Allison Castellan

Coastal Management Specialist

Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

<http://coast.noaa.gov>

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**joelle gore**

office *for* coastal management

acting chief, stewardship division

1305 east-west highway

ssmc 4, room 10622

silver spring, maryland 20910

direct: 301-563-1177

cell: 301-325-1151

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Allison Castellan

Coastal Management Specialist

Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

allison.castellan@noaa.gov

http://coast.noaa.gov

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Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

allison.castellan@noaa.gov

http://coast.noaa.gov

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Allison Castellan

Coastal Management Specialist

Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

allison.castellan@noaa.gov

http://coast.noaa.gov

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Allison Castellan

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National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

allison.castellan@noaa.gov

http://coast.noaa.gov

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Coastal Management Specialist



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Allison Castellan

Coastal Management Specialist

Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

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Fax: 301-713-4004

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Allison Castellan

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National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

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Fax: 301-713-4004

[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

<http://coast.noaa.gov>

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Allison Castellan

Coastal Management Specialist

Office *for* Coastal Management N/OCM6

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

[allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

<http://coast.noaa.gov>